



PATENT
0754-0173P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Masatoshi YOKOTA Conf.: 9128
Appl. No.: 10/085,078 Group: 1712
Filed: March 1, 2002 Examiner: BUTTNER, D.J.
For: GOLF BALL HAVING A URETHANE COVER

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DECLARATION UNDER 37 C.F.R. § 1.131

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Ms. Eriko Kamitani, hereby declare as follows:

1. I am a Japanese patent attorney, presently self-employed at the Kamitami Patent Office, Kita Building 202, 6-13, Ueshio 2-chome, Chuo-ku, Osaka-shi, Osaka 542-0064. I am a Japanese Citizen and I receive mail at the address of the Kamitami Patent Office above.

2. At the time the above-identified U.S. patent application was written and filed, I was working in the employ of SANKYO Patent Attorneys Office, Nichimen Building 2F, 2-2 Nakanoshima 2-chome, Kita-ku, Osaka-shi, Osaka-fu 530-0005, Japan.

3. I am the patent attorney who wrote the Japanese patent application filed March 15, 2001 as Ser. No. 2001-74095 that serves as the priority application for the above-identified U.S. patent application. I am familiar with the specification and presently pending claims of the above-identified U.S. patent application.

4. At the time the above-identified U.S. patent application was written and filed, Mr. Atsuro Sumitomo was known to me as a member of the Intellectual Property Division of Sumitomo Rubber Industries, Inc. (hereinafter "Sumitomo Rubber"), the assignee of the above-identified U.S. patent application.

5. The history of the writing of the Japanese patent application 2001-74095 is as follows:

On January 19, 2001, Sankyo international patent attorneys office (hereinafter referred to as "Sankyo") received a letter ordering the preparation of a patent application directed to the present invention from Sumitomo Rubber and including an initial disclosure of the invention.

On February 26, 2001, I sent a first draft of the specification to Atsuro Sumitomo of Sumitomo Rubber. With this first draft, I asked for clarification of certain parts of the disclosure that were not clear to me, and advised adding working examples and comparative examples to the application to emphasize patentability of the invention.

On March 6, 2001, I received back from Sumitomo Rubber the first draft of the specification, which had been checked by the inventor, together with answers clarifying portions of the application as I had requested. The returned first draft also

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included additional examples. The clarifying answers and additional examples were handwritten in the specification by the inventor. A copy of the returned draft of March 6, 2001 is attached as Exhibit 1. A verified English translation of Tables 1 and 2 included in the first draft specification is provided attached as Exhibit 2. Exhibit 2 establishes that the text of these tables is substantially the same as that in the specification of the present U.S. application.

On March 7, 2001, I sent a letter to Atsuro Sumitomo to ask for clarification of additional details of the present invention again and also attached a new table 3 prepared to describe the additional examples disclosed to me in the March 6 draft. In new table 3, I renumbered the additional examples handwritten beside table 2 by the inventor.

On March 8, 2001, I received the answers further clarifying the additional details of the invention from Sumitomo Rubber. The answers were handwritten in the same letter that I sent to Atsuro Sumitomo of Sumitomo Rubber on March 7, 2001. The letter that I received on March 8, 2001 is attached hereto as Exhibit 3. A verified English translation of that letter is attached as Exhibit 4. Exhibit 4 establishes that the text of Table 3 as of March 7, 2001 was substantially the same as that of Table 3 of the present U.S. application.

On March 12, 2001, I sent a second draft of the specification to Atsuro Sumitomo of Sumitomo Rubber. Sumitomo Rubber needed two days to check the second draft. A copy of the second draft of the specification that I sent to Atsuro Sumitomo is attached hereto as Exhibit 5. A verified English translation of the second draft specification and covering letter is attached hereto as Exhibit 6. The second draft specification as

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sent to Atsuro Sumitomo did not include Tables 1 through 3. Exhibit 6, together with Exhibits 2 and 4, establishes that the disclosure of the invention of scope commensurate with the present claims was provided to me at least as early as March 12, 2001.

On March 14, 2001 I received back from Sumitomo Rubber comments upon the second draft of the specification that had been reviewed by the inventor. These comments upon the second draft were received as a letter and those pages having corrections to be made, being handwritten by the inventor. The comments of the inventor were accompanied by an instruction to file the application in the Japanese patent office. A copy of the letter that I received from Sumitomo Rubber is attached as Exhibit 7 and a verified English translation of the letter is attached as Exhibit 8.

On March 15, 2001, I filed the Japanese Patent application in the Japanese Patent Office after correcting the specification as noted by the inventor. It is this version of the application that serves as the priority document for the present U.S. patent application. Exhibit 9 is a verified English translation of the priority application as filed March 15, 2001, which establishes that the content of the priority application is the same as that of the second draft application and including the inventor's comments received by me on March 14, 2001.

Handwritten portions in the Japanese documents of Exhibits 1, 3 and 7 are represented in Italic type in the translation Exhibits 2, 4 and 8, respectively.

Exhibit 10 is a letter of certification of the translator attesting to the truth and accuracy of the translation of the Japanese documents.

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6. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: August 29, 2003

Eriko Kamitami

Ms. Eriko Kamitami

Attachments:

Exhibits 1-10